

EXHIBIT 9



Deposition of:
Confidential AEO Brandi Edmondson
November 13, 2020

In the Matter of:
**In Re: Capital One Consumer Data
Security Breach L**

Veritext Legal Solutions
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1 Q. And what was that fraud?

2 A. I think it was an Amazon membership, I
3 believe.

4 Q. And what did you do when you received --
5 this was an e-mail or a text, that you received
6 from Capital One, telling you about a potential
7 fraud.

8 Is that correct?

9 A. I believe so.

10 Q. And what did you do in response to that text
11 or e-mail?

12 A. Contacted them to dispute it.

13 Q. You contacted Capital One to dispute it?

14 A. Yes.

15 Q. And did you speak with a representative of
16 Capital One?

17 A. Yes.

18 Q. And what was the result of that fraud alert?

19 A. They would investigate.

20 Q. Did Capital One investigate it?

21 A. Yes.

22 Q. Did you pay the approximately 139 charge?

23 A. I'm not sure what you mean.

24 Q. What was the result of Capital One's
25 investigation?

1 Q. [REDACTED]

2 to you, regarding the data breach that was

3 [REDACTED] -

4 Is that right?

5 A. Yes, sir.

6 Q. This is, in fact, a -- at least the first
7 one is a court approved legal notice.

8 Is that right?

9 A. Yes.

10 Q. What did you do in response to these
11 e-mails?

12 A. I went to the website and filled out the
13 requested information to confirm if I was
14 potentially affected by this.

15 Q. And did you -- did you get a response?

16 A. Yes.

17 Q. Okay. Were you able to determine whether or
18 not you were -- your personal information was

19 [REDACTED]

20 MS. BERG: Object to the form.

21 A. Yes.

22 Q. (BY MR. HUBBARD) And was it?

23 A. Yes.

24 Q. Do you know what personal information of
25 yours was compromised in the Equifax data breach?

1 A. No, sir, not at all.

2 Q. [REDACTED]

3 data breach?

4 MS. BERG: Object to the form.

5 A. No, not at this time.

6 Q. (BY MR. HUBBARD) Did you make a claim for
7 benefits from the class action settlement related

8 [REDACTED]

9 A. Yes.

10 Q. And did you receive any benefits?

11 A. I believe so, yes.

12 Q. And what were those benefits?

13 A. The free credit monitoring.

14 Q. Any other benefits?

15 A. No, sir.

16 Q. So you didn't receive any cash payment?

17 A. No.

18 Q. Do you know why?

19 A. I don't believe there was a -- I don't
20 believe that option was available for -- for me to
21 accept it, or me to, you know, request it. I
22 wanted what was best for my own personal needs.

23 Q. [REDACTED]

24 breach predates the data breach at issue in this
25 lawsuit?

1 Q. Have you ever used or -- have you ever gone
2 to Credit Karma and obtained information about any
3 notices of potential data breaches, involving your
4 personal information?

5 A. I have, in the past, yes.

6 Q. And what data breaches have they told you
7 about?

8 A. I -- I've seen one, regarding a merchant
9 before.

10 Q. Do you remember what merchant?

11 A. [REDACTED] [REDACTED]

12 Q. [REDACTED]

13 A. [REDACTED]

14 Q. And when did -- did you see any others,

15 [REDACTED]

16 A. Not that I can recall.

17 Q. Credit Karma has never indicated to you that
18 your personal information was compromised as
19 part -- as part of the data breach at issue in this
20 case, right?

21 MS. BERG: Object to the form.

22 A. I'm not sure.

23 Q. (BY MR. HUBBARD) You don't know.

24 What personal information of yours was

25 [REDACTED]

1 A. I think, from what I recall, it was my
2 e-mail address, or a password to my e-mail.

3 Q. Anything else?

4 A. No.

5 Q. And how did you obtain that information from
6 Credit Karma?

7 A. They send e-mails, or -- into my e-mail,
8 that I've noticed before, and I've clicked on them.

9 Q. Do those e-mails go into the -- are they
10 sent to the Brandi -- Brandi Brown e-mail address?

11 A. I don't know.

12 Q. When did you learn from Credit Karma that
13 your personal information had been compromised in a

14 [REDACTED]

15 A. Possibly some months ago. Five or six
16 months ago, I remember noticing it.

17 Q. So this year, 2020?

18 A. Yes, sir.

19 Q. And what did you do when you learned that
20 your personal information had been compromised in a

21 [REDACTED]

22 A. I clicked on the button, to view it, and it
23 just gave me what the merchant was and what
24 possibly was affected or being compromised. And
25 they just tell you what to do. Change your

1 (The witness peruses the document.)

2 THE WITNESS: Okay. Thank you.

3 Q. (BY MR. HUBBARD) Ms. Edmondson, this is an
4 e-mail, dated July 13, 2018, from Experian.

5 Are you familiar with this e-mail?

6 A. No, sir.

7 Q. Your counsel produced it to us in this case
8 in response to discovery requests. It is our
9 understanding that this is an e-mail from Experian
10 to you.

11 Is that correct?

12 A. Yes, sir.

13 Q. And do you believe that this e-mail was sent
14 to the Brandi Brown e-mail address?

15 A. I'm not sure.

16 Q. But you've never read this e-mail before?

17 A. Correct.

18 Q. In the e-mail, Experian is informing you

19 [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 Q. And it states that hackers were able to
23 access user's first and last names, addresses,
24 numbers, e-mail addresses, birth dates, and debit
25 and credit card numbers, with expiration dates,

1

[REDACTED]

2

Do you see that?

3

A. Yes.

4

Q. So, does this indicate that your personal
information may have been compromised in a data

6

[REDACTED]

7

MS. BERG: Object to the form.

8

A. It's possible.

9

Q. (BY MR. HUBBARD) And so, like some other
communications we went over, this dates from 2018,
which predates the data breach at issue in this
case, correct?

13

A. Yes, sir.

14

Q. And so it's possible that your personal

15

[REDACTED]

16

[REDACTED]

17

breach at issue in this case, right?

18

A. It's possible.

19

MS. BERG: Object to the form.

20

A. Sorry.

21

Q. (BY MR. HUBBARD) Have you ever received any
other notices from Experian, about other data
breaches?

24

A. Not that I recall, sir.

25

Q. I believe you are -- you're enrolled in

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1 A. Not for any amount of money, no, sir.

2 Q. And you've never tried to sell your personal
3 identifying information, right?

4 A. Correct.

5 Q. And you wouldn't do so -- you wouldn't try
6 to sell it if you were given the opportunity,
7 right?

8 A. That's right.

9 Q. Do you believe that that information is less
10 valuable as a result of the data breach at issue in
11 this case?

12 A. What do you mean?

13 Q. Well, you've told us that you believe that
14 it is worth a tremendous amount, your personal
15 information, your personal identifying information.

16 Do you believe that it is now worth less,
17 due to the Capital One data breach?

18 A. It's possible it's affected. So, yes.

19 Q. And I think you said this earlier. When you
20 say that, are you saying that it is now more
21 difficult for you to obtain credit, or your credit
22 score may have lowered?

23 A. Correct, sir.

24 Q. Do you mean -- you're not referring to
25 anything else, right?